

Jeremy T. Bergstrom, Esq.
Nevada Bar No. 6904

E-filed on October 26, 2009

MILES, BAUER, BERGSTROM & WINTERS, LLP
2200 Paseo Verde Pkwy., Suite 250
Henderson, NV 89052
(702) 369-5960 / FAX (702) 369-4955
E-mail: jbergstrom@mileslegal.com
File No. 09-95605

Attorneys for Secured Creditor,
BAC HOME LOANS SERVICING, L.P. FKA COUNTRYWIDE HOME LOANS
SERVICING, L.P.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

RAMIRO ROSALES HERNANDEZ AND
ROSA BUSTAMANTE ROSALES,

Debtor.

Case No.: BK-S-09-21996-MKN
Chapter 13

**OBJECTIONS TO PROPOSED
CHAPTER 13 PLAN AND
CONFIRMATION THEREOF**

Date: October 29, 2009
Time: 01:30 P.M.

BAC HOME LOANS SERVICING, L.P. FKA COUNTRYWIDE HOME LOANS
SERVICING, L.P., Secured Creditor in the above-entitled Bankruptcy proceeding, hereby
submits the following Objections to the Confirmation of that certain Chapter 13 Plan proposed
by Debtor:

This objecting Secured Creditor holds the first Trust Deed on the subject property
generally described as: **537 McKellar Circle, Las Vegas, NV 89119**. As of July 7, 2009, the
amount in default was \$1,901.42, representing monthly payments and late charges due for July 1,
2009; advances for taxes and insurance, if any; and foreclosure costs and attorneys' fees incurred
with respect to the default.

Secured Creditor objects to Debtors' Chapter 13 Plan as follows:

1 Debtors' Chapter 13 Plan fails to provide for any pre-petition arrears to be paid to
2 Secured Creditor.

3 As listed in Section 2.13.1, the Plan proposes to cram down this Secured Creditor's claim
4 to the fair market value of \$124,980.00, although the listed Grand Total Paid by Plan is only
5 \$40,255.20. Debtors have provided no official residential appraisal as evidence of the value of
6 the subject property and Secured Creditor contends that value is at least \$240,500.00.

7 Finally, Debtors have failed to comply with 11 U.S.C. §1322(b)(5). Since filing the
8 instant Bankruptcy Petition, Debtors have failed to maintain the regular monthly Trust Deed
9 payments. Accordingly, the Plan may not be confirmed. In re Gavia, 24 B.R. 573 (9th Cir. BAP
10 1982).

11 **CONCLUSION**

12 Any Chapter 13 Plan proposed by Debtor must provide for and eliminate the Objections
13 specified above in order to be reasonable and to comply with applicable provisions of the
14 Bankruptcy Code. It is respectfully requested that confirmation of the Chapter 13 Plan as
15 proposed by Debtor be denied.

16 WHEREFORE, Secured Creditor prays as follows:

17 (1) That confirmation of the proposed Chapter 13 Plan be denied.

18 (2) For attorney's fees and costs incurred herein.

19 (3) For such other relief as this Court deems proper.

20 MILES, BAUER, BERGSTROM & WINTERS, LLP

21 Dated: October 26, 2009 By: /s/ Jeremy T. Bergstrom, Esq.
22 Jeremy T. Bergstrom, Esq.
Attorney for Secured Creditor

23 (09-95605/objaznv.dot/slw)

CERTIFICATE OF MAILING

The undersigned hereby certifies that on October 26, 2009, a copy of Secured Creditor's **OBJECTIONS TO PROPOSED CHAPTER 13 PLAN AND CONFIRMATION THEREOF** was served by depositing a copy of same in the United States Mail, in a postage prepaid envelope, addressed to:

DEBTOR:

Ramiro Rosales Hernandez
Rosa Bustamante Rosales
6504 Austin Moore Street
North Las Vegas, NV 89086

ATTORNEY FOR DEBTOR:

Jorge L. Sanchez
Sanchez Law Group
930 S. Fourth St. #211
Las Vegas, NV 89101

CHAPTER 13 TRUSTEE:

Rick A. Yarnall
701 Bridger Ave. #820
Las Vegas, NV 89101

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Stacey L. Werner
An Employee of Miles, Bauer, Bergstrom & Winters, LLP
(09-95605/objaznv.dot/slw)